

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| AUSTIN FERGE and DOUGLAS WISE,      | ] |                        |
|                                     | ] |                        |
| Plaintiff,                          | ] |                        |
| v.                                  | ] | Case No. 08-CV-50110   |
|                                     | ] |                        |
| FEDERAL EXPRESS CORPORATION,        | ] |                        |
| a Delaware corporation, d/b/a FEDEX | ] | Judge Frederick Kapala |
| EXPRESS, and FEDEX FREIGHT EAST,    | ] |                        |
| INC., an Arkansas corporation,      | ] |                        |
|                                     | ] |                        |
| Defendants.                         | ] |                        |

**MOTION FOR EXTENSION OF TIME**

NOW COMES Defendant, **FEDERAL EXPRESS CORPORATION**, by and through its attorneys, SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, P.C., and hereby moves this Honorable Court for an order extending the time to answer or otherwise plead to Plaintiffs' Complaint, and in support thereof, state as follows:

1. Defendants, **FEDERAL EXPRESS CORPORATION** and **FEDEX FREIGHT EAST, INC.**, have filed their respective appearances in this matter. **FEDEX FREIGHT EAST, INC.**, has filed an Answer, Affirmative Defenses and Counterclaim for Contribution.

2. **FEDERAL EXPRESS CORPORATION** is not a proper party to this action.

3. Counsel for Plaintiffs and counsel for Defendant, **FEDERAL EXPRESS CORPORATION**, have discussed Plaintiffs' voluntary dismissal of **FEDERAL EXPRESS CORPORATION** as a Defendant in this case.

4. Plaintiffs' counsel has been provided with a Stipulation to Dismiss, attached hereto as Exhibit A, and Defendant is awaiting receipt of an executed copy. Upon receipt, Defendant FEDEX FREIGHT EAST, INC., will move for dismissal.

**WHEREFORE**, Defendant, **FEDEX FREIGHT EAST, INC.**, respectfully requests the entry of an Order by this Court for an additional 14 days to answer or otherwise plead to plaintiffs' Complaint.

Respectfully submitted,

SCOPELITIS GARVIN LIGHT HANSON & FEARY, P.C.

By: /s/ James D. Ellman  
One of the Attorneys for Defendants

William D. Brejcha  
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|                                     | ] |                      |
| Defendants.                         | ] |                      |

**STIPULATION TO DISMISS AND SUBSTITUTE**

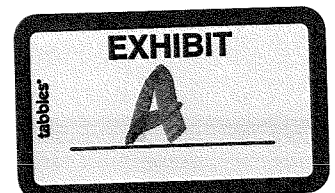
Defendant, **FEDERAL EXPRESS CORPORATION, a Delaware corporation, d/b/a FEDEX EXPRESS**, and Plaintiffs, **AUSTIN FERGE and DOUGLAS WISE**, by and through their respective attorneys, hereby stipulate and agree to the entry of an order dismissing, with prejudice, **FEDERAL EXPRESS CORPORATION, a Delaware corporation, d/b/a FEDEX EXPRESS**, as a defendant to this lawsuit. The lawsuit shall continue against Defendant **FEDEX FREIGHT EAST, INC.**

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